

## **REMARKS**

### **Interview with the Examiner**

The courtesy of Examiner Diep to grant applicants' attorneys a phone interview on April 15, 2009, is noted with appreciation. The amendments and arguments submitted in this response are consistent with the comments made during the telephone interview.

### **Status Of Application**

Claims 1, 3, 4, 6-8, 10, 11, 16-18, and 20-34 are pending in the application; the status of the claims is as follows:

Claims 16-18, and 30-32 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter;

Claims 1, 3, 4, 6-8, 10, 11, 16-18, and 20-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,968,294 to Gutta et al.

Claims 16 and 30 have been amended to address the Section 101 rejection. Claims 1, 16, 20, 29, 30, 33, and 34 have been amended to more clearly claim the invention. Claims 3 and 22 have been amended to address typographical errors by substituting "in" for "into." These changes do not introduce any new matter.

New claims 35 and 36 have been added to provide a more adequate basis of protection for the invention of the present application.

### **35 U.S.C. § 101 Rejection**

The rejection of claims 16-18, and 30-32 under 35 U.S.C. § 101 is respectfully traversed based on the following.

Claims 16 has been amended in the determining step to clarify that the determining step is performed "with an electronic computing device." Similarly, claim 30 has been amended in its determining step to clarify that the determining step is performed "with an electronic computing device." Claims 16 and 30 have been amended to clarify that each

respective determining step is performed with an electronic computing device. As such, the claims now identify the apparatus that accomplishes each determining step and should also recite statutory subject matter.

Accordingly, it is respectfully requested that the rejection of claims 16-18, and 30-32 under 35 U.S.C. § 101 be reconsidered and withdrawn.

### **35 U.S.C. § 102(e) Rejection**

The rejection of claims 1, 3, 4, 6-8, 10, 11, 16-18, and 20-34 under 35 U.S.C. § 102(e) as being anticipated by Gutta et al., is respectfully traversed based on the following.

First, claim 1 is addressed. The invention of claim 1 includes a signal input unit that receives a signal called a “trigger signal.” Claim 1 also includes a detector which is configured to receive and monitor moving image data to ascertain whether image data during a period of time shows any changes—for example whether motion is present in the images. Finally, the system of claim 1 uses the results of the detection in conjunction with the trigger signal to determine whether or not the trigger signal is valid—for example to determine whether or not the trigger signal is a false alarm.

Claim 1, as amended, requires:

A control device for carrying out a predetermined process in response to a trigger signal from a sensor, comprising:

a signal input unit connected to the sensor and configured to receive a trigger signal;

a detector connected to an image capturing unit and configured to receive continuous images from the image capturing unit, said detector being configured to analyze images obtained from said image capturing unit for at least a period of time beginning at a time of a trigger signal and ending a predetermined amount of time after the trigger signal, said detector being configured to determine whether or not a change occurs in such images during said period of time;

a determining unit which determines whether or not a trigger signal is a valid signal, said determining unit being configured to determine, based on analysis by said detector, that the trigger signal is valid in the case that said detector does not detect a change in the images during said period of time; and

a controller, responsive to said determining unit, which is configured to carry out a predetermined process in the case that said determining unit determines that a trigger signal is a valid signal.  
(Emphasis added).

In one non-limiting aspect of the present invention, as shown above in claim 1, one way a trigger signal may be evaluated is to monitor image data for a set period of time after receipt of the trigger signal to determine whether any change (for example motion) is detected in the images. As claimed in claim 1, a trigger signal is received and thereafter images from an image capturing unit are monitored. If no change in images occurs within an expected time relative to the time of the trigger signal, then the trigger signal is valid and a predetermined process is carried out.

In order to anticipate claim 1, Gutta must disclose a device for detecting a trigger signal; a device which is configured to monitor image data from an image capturing unit for a set period of time following receipt of a trigger signal; a further device which is configured to determine, following expiration of the preset amount of time following receipt of the trigger signal, that when no motion is detected that the trigger signal is valid; and a final device that is responsive to at least the further device, to invoke a predetermined process when the further device determines that the trigger signal is valid. As discussed below, Gutta does not disclose the limitations of claim 1.

Gutta discloses a monitoring system that may generate an alarm when certain events are detected. Gutta discloses that an alarm may be generated when only one event is detected or when a combination of events are detected. The events detected by Gutta include for example at col. 3, lns. 16-19, “trigger by a breathing sensor, motion sensor, or audio sensor as in prior art devices,” and as another example at col. 3, lines 26-28, “lack of normal movement such as rapid movement such as an infant or child being picked up at a time other than a previously defined time.” By detecting a “child being picked up at a time other than a previously defined time,” Gutta discloses that when a child is detected as being picked up, the monitoring system determines whether or not the time of that detection occurs “at a time

other than a previously defined time.” Accordingly, Gutta discloses detecting whether or not a child being picked up is normal movement based on the time when that detection is made.

Gutta does not however disclose monitoring image data for a period of time following the detection of an event to determine whether there is no change in the image data during this time. And, Gutta certainly does not disclose invoking a predetermined process in the instance when no changes in monitored image data occur within a set amount of time following a sensor signal. At best, Gutta discloses responding to single or combination events. The lack of motion in image data for a set duration of time as addressed by claim 1 is not an event but rather the absence of an event.

Because Gutta does not disclose these limitations of claim 1, Gutta cannot anticipate claim 1 or claims 3, 4, 6-8, 10, and 11 that depend from claim 1.

Next, claim 16 is addressed. The invention of claim 16 is a method of carrying out a predetermined process in response to a “trigger signal.” The method of claim 16 receives the trigger signal from the sensor, and then monitors moving image data to ascertain whether image data during a period of time shows any changes—for example whether motion is present in the images. Finally, the method of claim 16 uses the results of the detection in conjunction with the trigger signal to determine whether or not the trigger signal is valid—for example to determine whether or not the trigger signal is a false alarm.

Claim 16, as amended, requires:

A control method of carrying out a predetermined process in response to a trigger signal from a sensor, comprising the steps of:

- receiving a trigger signal from the sensor;
- receiving continuous images from an image capturing unit;
- detecting a change in the images by analyzing the images for at least a period of time beginning at a time of a trigger signal and ending a predetermined amount of time after the trigger signal;
- determining with an electronic computing device, based on analysis by said detecting step, that a trigger signal is a valid signal in the case that said detecting step does not detect a change in the images during said period of time; and

carrying out a predetermined process, in response to said determining step determining that a trigger signal is a valid signal.  
(Emphasis added).

In one non-limiting aspect of the present invention, as shown above in claim 16, one way a trigger signal may be evaluated is to monitor image data for a set period of time after receipt of the trigger signal to determine whether any change (for example motion) is detected in the images. As claimed in claim 16, a trigger signal is received and thereafter images from an image capturing unit are monitored. If no change in images occurs within an expected time relative to the time of the trigger signal, then the trigger signal is valid and a predetermined process is carried out.

In order to anticipate claim 16, Gutta must disclose a method including steps of detecting a trigger signal; monitoring image data from an image capturing unit for a set period of time following receipt of a trigger signal; determining, following expiration of the preset amount of time following receipt of the trigger signal, that when no motion is detected the trigger signal is valid; and finally invoking a predetermined process when the determining step determines that the trigger signal is valid. As discussed below, Gutta does not disclose the limitations of claim 16.

As explained in more detail above, Gutta discloses a monitoring system that may generate an alarm when certain events, either singly or in combination, are detected. The events detected by Gutta include for example at col. 3, lns. 16-19, “trigger by a breathing sensor, motion sensor, or audio sensor as in prior art devices,” and as another example at col. 3, lines 26-28, “lack of normal movement such as rapid movement such as an infant or child being picked up at a time other than a previously defined time.” Accordingly, Gutta discloses detecting whether or not a child being picked up is normal movement based on the time when that detection is made.

Gutta does not however disclose monitoring image data for a period of time following the detection of an event to determine whether there is no change in the image data during this time. And, Gutta certainly does not disclose invoking a predetermined process in the

instance when no changes in monitored image data occur within a set amount of time following a sensor signal. At best, Gutta discloses responding to single or combination events. The lack of motion in image data for a set duration of time as addressed by claim 16 is not an event but rather the absence of an event.

Because Gutta does not disclose these limitations of claim 16, Gutta cannot anticipate claim 16, or claims 17-18 that depend from claim 16.

Turning now to claim 20, this claim is directed to a different embodiment of the present invention from that discussed already. The invention of claim 20 determines whether or not the trigger signal is valid by evaluating images from an image capturing unit after a trigger is received and determining based on whether or not changes in image data are detected—and when changes are detected—whether the trigger is valid.

The limitations of claim 20, as amended, are presented below:

A control device for carrying out a predetermined process in response to a trigger signal, comprising:

a signal input unit configured to receive a trigger signal;

a detector configured to receive continuous images from an image capturing unit and to detect a change in the images by analyzing the images obtained from said image capturing unit, said detector being further configured to analyze the images during a first time period commencing at the time of a trigger signal and ending a first predetermined amount of time after the trigger signal, said detector being further configured to analyze the images during a second time period commencing at the end of the first time period and ending a second predetermined amount of time after the first time period, and said detector being further configured to analyze the images during a third time period commencing at the end of the second time period;

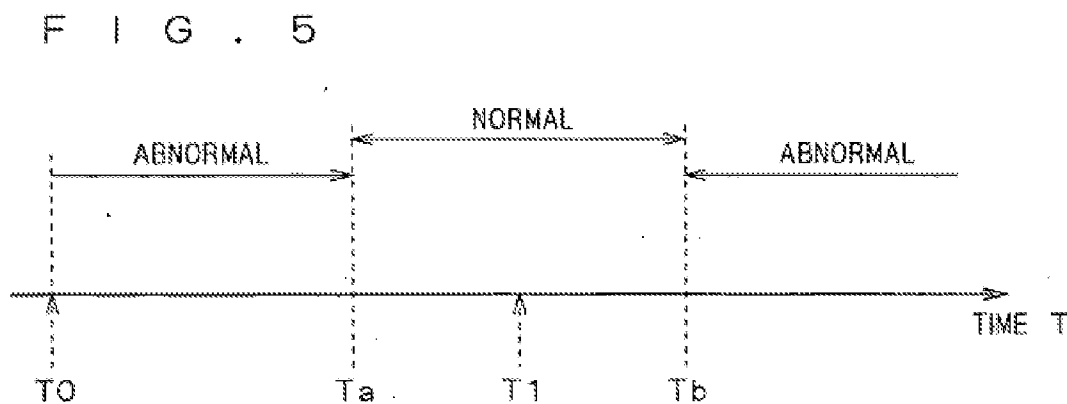
a determining unit which determines whether or not a trigger signal is a valid signal based on analysis by said detector, said determining unit being configured to determine that the trigger signal is an invalid signal in the case that said detector detects a change in the images during the second time period, and said determining unit being further configured to determine that the trigger signal is a valid signal in the case that said detector detects a change in images during one of the first and third time periods; and

a controller, responsive to said determining unit, which is configured to carry out a predetermined process in the case that said determining unit determines that a trigger signal is a valid signal.  
(Emphasis added).

As shown above, the invention of claim 20 evaluates the validity of the trigger signal based on whether or not a change in images is detected during three specific periods of time after the trigger signal occurs. Specifically, claim 20 identifies the following relevant time periods for the purpose of evaluating the trigger signal:

- (1) a first time period commencing at the time of a trigger signal and ending a first predetermined amount of time after the trigger signal,
- (2) a second time period commencing at the end of the first time period and ending a second predetermined amount of time after the first time period, and
- (3) a third time period commencing at the end of the second time period.

Non-limiting examples of these three periods of time are discussed in the present specification and illustrated in Fig. 5 of the specification. As shown below, Fig. 5 shows a trigger signal T0 followed by times Ta and Tb. These times define three different periods during which motion in images may found: The time before time Ta, the time after time Tb, and the time between times Ta and Tb:



As set forth in the claim, the invention of claim 20 determines that the trigger signal is invalid when a change in images is detected in the second time period. On the other hand, the invention of claim 20 determines that the trigger signal is valid when a change in images is detected during the first or third time periods.

As described above, Gutta discloses a monitoring system that may generate an alarm when one event is detected or when multiple events are detected. Gutta does not, however, disclose a system that monitors image data for movement, classifies the possible time periods when movement may be detected into three discrete time periods and then determines whether or not a trigger is valid or invalid depending on which of the three time period during which motion was detected.

In order to anticipate claim 20, Gutta must disclose every limitation of the invention of claim 20 and this includes the limitations of a determining unit which is configured to respond to monitored changes in image data during the three discrete time periods defined by the claim and configured to decide whether or not the trigger signal is valid based on the specific one of these three time periods during which a change in image data is detected, and specifically deciding that the trigger is invalid during the second time period but valid during the first or third time periods. It is not sufficient for Gutta to simply disclose generating an alarm based on inputs from one or more sensors individually, together, or in sequence. It is also not sufficient for Gutta to disclose that sensor signals and time are used together. Instead, to anticipate claim 20, Gutta would need to disclose the actual invention claimed by claim 20 and all of the limitations of the claim.

Because, Gutta does not disclose a system that divides time into three discrete time periods following receipt of a trigger signal and decides that the trigger is invalid during the second time period but valid during the first or third time periods, Gutta cannot anticipate claim 20.

Claims 21-24 depend from claim 20. Because Gutta does not anticipate claim 20, Gutta does not anticipate claims 21-24 for at least the same reasons.



Next, claim 29 is addressed. The invention of claim 29 is a computer readable medium encoded with a program that when executed on a computer determines whether or not a trigger signal is valid. The invention determines whether or not a trigger signal is valid by evaluating images after a trigger is received and determining based on whether or not changes in image data are detected—and when changes are detected—whether the trigger is valid.

Claim 29, as amended, requires:

A computer readable medium encoded with a program which can be run by a computer to which a trigger signal and continuous images are inputted, said program causing the computer to implement a method comprising the steps of:

- receiving a trigger signal;
- receiving said continuous images;
- detecting a change in the continuous images by analyzing the continuous images that are received after the input of the trigger signal, said detecting step further analyzing the images during a first time period commencing at the time of a trigger signal and ending a first predetermined amount of time after the trigger signal, said detecting step further analyzing the images during a second time period commencing at the end of the first time period and ending a second predetermined amount of time after the first time period, and said detecting step further analyzing the images during a third time period commencing at the end of the second time period;
- determining, based on analysis by the detecting step, that a trigger signal is an invalid signal in the case that said detecting step detects a change in images during the second time period, and determining, based on analysis by the detecting step, that a trigger signal is a valid signal in the case that said detecting step detects a change in images during one of the first and third time periods; and
- carrying out, in response to said determining step, a predetermined process in the case that said trigger signal is determined to be a valid signal. (Emphasis added).

As shown above, when running on a computer, the invention of claim 29 implements a method to evaluate the validity of the trigger signal based on whether or not a change in images is detected during three specific periods of time after the trigger signal occurs. Specifically, claim 29 identifies the following relevant time periods for the purpose of evaluating the trigger signal:

- (1) a first time period commencing at the time of a trigger signal and ending a first predetermined amount of time after the trigger signal,
- (2) a second time period commencing at the end of the first time period and ending a second predetermined amount of time after the first time period, and
- (3) a third time period commencing at the end of the second time period.

Non-limiting examples of these three periods of time are discussed above with reference to Fig. 5 of the specification.

As set forth in the claim, the invention of claim 29 determines that the trigger signal is invalid when a change in images is detected in the second period. On the other hand, the invention of claim 29 determines that the trigger signal is valid when a change in images is detected during the first or third time periods.

As described above, Gutta discloses a monitoring system that may generate an alarm when one event is detected or when multiple events are detected. Gutta does not, however, disclose a system that monitors image data for movement, classifies the possible time periods when movement may be detected into three discrete time periods and then determines whether or not a trigger is valid or invalid depending on which of the three time period during which motion was detected.

In order to anticipate claim 29, Gutta must disclose every limitation of the invention of claim 29 and this includes the limitations of a computer implemented method including a determining step that responds to monitored changes in image data during the three discrete time periods defined by the claim and deciding whether or not the trigger signal is valid based on the specific one of these three time periods during which a change in image data is detected, and specifically deciding that the trigger is invalid during the second time period but valid during the first or third time periods. It is not sufficient for Gutta to simply disclose generating an alarm based on inputs from one or more sensors individually, together, or in sequence. It is also not sufficient for Gutta to disclose that sensor signals and time are used

together. Instead, to anticipate claim 29, Gutta would need to disclose the actual invention claimed by claim 29 and all of the limitations of the claim.

Because, Gutta does not disclose a system that divides time into three discrete time periods following receipt of a trigger signal and decides that the trigger is invalid during the second time period but valid during the first or third time periods, Gutta cannot anticipate claim 29.

Next, claim 30 is addressed. The invention of claim 30 is a method that determines whether or not a trigger signal is valid by evaluating images after a trigger is received and determining based on whether or not changes in image data are detected—and when changes are detected—whether the trigger is valid.

Claim 30, as amended, requires:

A control method of carrying out a predetermined process in response to a trigger signal, comprising the steps of:

- receiving a trigger signal;
- receiving continuous images from an image capturing unit;
- detecting a change in the images by analyzing the images, said detecting step further analyzing the images during a first time period commencing at the time of a trigger signal and ending a first predetermined amount of time after the trigger signal, said detecting step further analyzing the images during a second time period commencing at the end of the first time period and ending a second predetermined amount of time after the first time period, and said detecting step further analyzing the images during a third time period commencing at the end of the second time period;

- determining with an electronic computer device, based on an analysis by said detecting step, that a trigger signal is an invalid signal in the case that a change in the images is detected during the second time period, and
- determining with an electronic computer device, based on an analysis by said detecting step, that a trigger signal is a valid signal in a case that a change in images is detected during one of the first and third time periods; and

- carrying out a predetermined process when said trigger signal is determined as a valid signal.

(Emphasis Added).

As shown above, when running on an electronic computer device, the method of claim 30 evaluates the validity of the trigger signal based on whether or not a change in

images is detected during three specific periods of time after the trigger signal occurs. Specifically, claim 30 identifies the following relevant time periods for the purpose of evaluating the trigger signal:

- (1) a first time period commencing at the time of a trigger signal and ending a first predetermined amount of time after the trigger signal,
- (2) a second time period commencing at the end of the first time period and ending a second predetermined amount of time after the first time period, and
- (3) a third time period commencing at the end of the second time period.

Non-limiting examples of these three periods of time are discussed above with reference to Fig. 5 of the specification.

As set forth in the claim, the invention of claim 29 determines that the trigger signal is invalid when a change in images is detected in the second time period. On the other hand, the invention of claim 29 determines that the trigger signal is valid when a change in images is detected during the first or third time periods.

As described above, Gutta discloses a monitoring system that may generate an alarm when one event is detected or when multiple events are detected. Gutta does not, however, disclose a system that monitors image data for movement, classifies the possible time periods when movement may be detected into three discrete time periods and then determines whether or not a trigger is valid or invalid depending on which of the three time period during which motion was detected.

In order to anticipate claim 30, Gutta must disclose every limitation of the invention of claim 30. Because, Gutta does not disclose a system that divides time into three discrete time periods following receipt of a trigger signal and decides that the trigger is invalid during the second time period but valid during the first or third time periods as described above, Gutta cannot anticipate claim 30.

Claims 31 and 32 depend from claim 30. Because Gutta does not anticipate claim 30, Gutta does not anticipate claims 31 and 32 for at least the same reasons.

Next, claim 33 is addressed. The invention of claim 33 includes a signal input unit that receives a signal called a “trigger signal.” Claim 33 also includes a detector which is configured to receive and monitor moving image data to ascertain whether image data during a period of time shows any changes—for example whether motion is present in the images. Finally, the system of claim 33 uses the results of the detection in conjunction with the trigger signal to determine whether or not the trigger signal is valid—for example to determine whether or not the trigger signal is a false alarm.

Claim 33, as amended, requires:

A control device for carrying out a predetermined process in response to a trigger signal from a sensor, comprising:

a signal input unit connected to a sensor and configured to receive a trigger signal;

a detector connected to an image capturing unit and configured to receive continuous images and detect a change in the images by analyzing the images obtained from the image capturing unit for at least a period of time beginning at a time of a trigger signal and ending a predetermined amount of time after the trigger signal;

a determining unit configured to determine whether or not a trigger signal is a valid signal, said determining unit configured to determine, based on analysis by said detector, that the trigger signal is a valid signal in the case that said detector detects no change in images that are received in said period of time; and

a controller, responsive to said determining unit, which is configured to carry out a predetermined process in the case that the trigger signal is determined to be a valid signal.

(Emphasis added).

In one non-limiting aspect of the present invention, as shown above in claim 33, one way a trigger signal may be evaluated is to monitor image data for a set period of time after receipt of the trigger signal to determine whether any change (for example motion) is detected in the images. As claimed in claim 33, a trigger signal is received and thereafter images from an image capturing unit are monitored. If no change in images occurs within an

expected time relative to the time of the trigger signal, then the trigger signal is valid and a predetermined process is carried out.

In order to anticipate claim 33, Gutta must disclose a device for detecting a trigger signal; a device which is configured to monitor image data from an image capturing unit for a set period of time following receipt of a trigger signal; a further device which is configured to determine, following expiration of the preset amount of time following receipt of the trigger signal, that when no motion is detected that the trigger signal is valid; and a final device that is responsive to at least the further device, to invoke a predetermined process when the further device determines that the trigger signal is valid. As discussed below, Gutta does not disclose the limitations of claim 33.

As described above, Gutta discloses a monitoring system that may generate an alarm when one event is detected or when multiple events are detected. Gutta does not however disclose monitoring image data for a period of time following the detection of an event to determine whether there is no change in the image data during this time. And, Gutta certainly does not disclose invoking a predetermined process in the instance when no changes in monitored image data occur within a set amount of time following a sensor signal. At best, Gutta discloses responding to single or combination events. The lack of motion in image data for a set duration of time as addressed by claim 33 is not an event but rather the absence of an event.

Because Gutta does not disclose these limitations of claim 33, Gutta cannot anticipate claim 33.

Finally, claim 34 is addressed. The invention of claim 34 determines whether or not the trigger signal is valid by evaluating images from an image capturing unit such as a camera after a trigger is received and determining based on whether or not changes in image data are detected—and when changes are detected—whether the trigger is valid.

Claim 34, as amended requires:

A control device for carrying out a predetermined process in response to a trigger signal from a sensor, comprising:

a signal input unit connected to a sensor and configured to receive a trigger signal;

a detector connected to an image capturing unit and configured to receive continuous images and detect a change in the images by analyzing the images obtained from the image capturing unit, said detector being further configured to analyze the images during a first time period commencing at the time of a trigger signal and ending a first predetermined amount of time after the trigger signal, said detector being further configured to analyze the images during a second time period commencing at the end of the first time period and ending a second predetermined amount of time after the first time period, and said detector being further configured to analyze the images during a third time period commencing at the end of the second time period;

a determining unit configured to determine, based on analysis by said detector, whether a trigger signal is a valid signal, said determining unit determining that the trigger signal is an invalid signal in the case that said detector detects a change in images during the second time period, and said determining unit configured to determine that the trigger signal is a valid signal in the case that said detector detects a change in images during one of the first and third time periods; and

a controller, responsive to said determining unit, which is configured to carry out a predetermined process in the case that said determining unit determines that a trigger signal is a valid signal.  
(Emphasis added).

In this instance, the determining unit is configured to evaluate the validity of the trigger signal based on whether or not a change in images is detected during three specific periods of time after the trigger signal occurs. Specifically, claim 34 identifies the following relevant time periods for the purpose of evaluating the trigger signal:

- (1) a first time period commencing at the time of a trigger signal and ending a first predetermined amount of time after the trigger signal,
- (2) a second time period commencing at the end of the first time period and ending a second predetermined amount of time after the first time period, and
- (3) a third time period commencing at the end of the second time period.

Non-limiting examples of these three periods of time are discussed above with reference to Fig. 5 of the specification.

As set forth in the claim, the invention of claim 34 determines that the trigger signal is invalid when a change in images is detected during the second time period. On the other hand, the invention of claim 34 determines that the trigger signal is valid when a change in images is detected during first or third time periods.

As described above, Gutta discloses a monitoring system that may generate an alarm when one event is detected or when multiple events are detected. Gutta does not, however, disclose a system that monitors image data for movement, classifies the possible time periods when movement may be detected into three discrete time periods and then determines whether or not a trigger is valid or invalid depending on which of the three time period during which motion was detected.

In order to anticipate claim 34, Gutta must disclose every limitation of the invention of claim 34. Because, Gutta does not disclose a system that divides time into three discrete time periods following receipt of a trigger signal and decides that the trigger is invalid during the second time period but valid during the first or third time periods, Gutta cannot anticipate claim 34.

Accordingly, it is respectfully requested that the rejection of claims 1, 3, 4, 6-8, 10, 11, 16-18, and 20-34 under 35 U.S.C. § 102(e) as being anticipated by Gutta, be reconsidered and withdrawn.

### **CONCLUSION**

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are respectfully requested.



Application No. 10/733,493  
Amendment dated June 1, 2009  
Reply to Office Action of March 3, 2009

This Amendment increases the total number of claims by 2 from 34 to 36, but does not present any multiple dependency claims. Accordingly, please charge the amount of \$104.00 to Sidley Austin LLP Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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June 1, 2009